

**MINUTES OF THE
REGULAR MEETING HELD
November 19, 2018**

The regular meeting of the Butler Township Board of Commissioners was held on November 19, 2018 at 6:30 p.m. at the Butler Township Municipal Building, 290 S. Duffy Road, Butler, PA 16001. The following Commissioners were present: Pres. Dave Zarnick, Vice-Pres. Sam Zurzolo, Commis. Joseph A. Wiest, Commis. James Lokhaiser, Jr. and Commis. Fred M. Vero.

Also present were Manager Tom Knights, Asst. Manager Cheryl McNeill, Solicitor Rebecca Black, Zoning Officer Jesse Hines, Township Engineer Dan Deiseroth, Chief of Police John Hays, Fire Marshal Chris Switala and Student Representative Joe Atkinson.

Pres. Zarnick called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag.

Pres. Zarnick stated that anyone taping the meeting is required to state their name and address at the beginning of the meeting. There was none.

Pres. Zarnick asked if there were any corrections or additions to the minutes of the November 5, 2018 meeting. There being none, the minutes will stand as presented.

Pres. Zarnick noted receipt of the monthly Treasurer and Fire/Zoning Department Reports.

Commis. Zarnick thanked all of the first responders and utility workers who assisted during the recent snow and ice storm in the county.

Commis. Vero also thanked everyone who assisted with the cleanup following the storm.

Commis. Lokhaiser reported that the Fire Commission meeting for Wednesday, November 21st has been canceled due to a lack of agenda items.

Commis. Lokhaiser thanked American Legion Post 778 for their donations to the Township Volunteer Fire Departments to be used for the purchase of new emergency radios.

Commis. Lokhaiser reported that there will be a walking tour of Preston Park on Saturday, November 24th at 9:30 AM.

Commis. Lokhaiser reported that the Butler Area Public Library will hold their annual Light-up Night on Friday, November 30th at 6:00 PM. Their annual book sale will be held on Friday, November 30th thru Saturday, December 1st from 9:00 AM to 3:00 PM.

Commis. Lokhaiser reminded everyone that the Butler Christmas Parade will be held on Saturday, November 24th starting at 5:30 PM.

Commis. Zarnick asked if the Preston Park tour will be canceled due to the damage to the park during the recent ice storm. Manager Knights stated that Preston Park is currently

closed to the public due to the storm damage, so the tour will probably be canceled. An announcement will be made once the decision is finalized.

Commis. Wiest commended the efforts of the Road Department during the ice storm.

Commis. Zurzolo thanked the first responders for their assistance during the ice storm. He thanked Butler Township Volunteer Fire District for opening their station up to residents who were without power due to the storm. Commis. Zarnick stated that South Butler Volunteer Fire Department also opened their station for residents during the power outage.

Commis. Zurzolo recognized Ralph Marioti for receiving the Veteran of the Year Award through the American Legion.

Asst. Manager McNeill had nothing to report.

Student Representative Atkinson reported that he is currently working on a presentation for the government classes at Butler Senior High School showcasing how local government works. He stated that he has had conversations with other students interested in the Student Representative Program. They will be attending some of the future meetings to get an understanding of the program.

Fire Marshal Switala also thanked the first responders for their assistance during the recent ice storm. During the first twenty-four hours of the storm, the fire departments responded to ninety incidents. To put this in perspective, he stated that the normal time frame for this call volume is a month and a half.

Fire Marshal Switala stated that he participated in some fire truck visits and fire safety classes for the kindergarten students at McQuiston and Northwest Elementary Schools, and conducted staff training for over 600 staff at Lifesteps.

Fire Marshal Switala also thanked American Legion Post 778 for their generous donation to the Volunteer Fire Department for the radio purchases.

Fire Marshal Switala stated that the volunteer fire departments are moving forward with their merger into one fire district and starting December 1st will begin responding to emergency calls as one department.

Chief Hays reported on the police department's response during the recent storm. He thanked the volunteer fire departments for their assistance during the emergency calls.

Zoning Officer Hines had nothing to report.

Engineer Deiseroth had nothing to report.

Solicitor Black had nothing to report.

Manager Knights reminded everyone that the Administration Offices will be closed on Thursday and Friday of this week for the holiday.

Commis. Zarnick asked for public comment on agenda items. There was none

Zoning Officer Hines presented information on the C.V. Thomas Subdivision. The referenced Subdivision Plan is located on Vogel Road in the R-1 (Single Family Residential) Zoned District. The plan proposes to subdivide a parcel into two lots.

Zoning Officer Hines gave an overview of the plan. He explained that the applicant went before the Zoning Hearing Board and was granted a variance for lot width. He also explained that the applicant has submitted a Planning Module, but we are waiting for approval from PA DEP. Zoning Officer Hines stated that there is an accessory building on the newly created lot that would need to be removed before the mylar is signed. The plan is in order for approval.

Solicitor Black and Engineer Deiseroth had no additional comments.

There was no one in attendance representing the C.V. Thomas Subdivision.

Motion by Commis. Vero to grant a modification for odd shaped lot for the C.V. Thomas Subdivision. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Motion by Commis. Vero to grant final approval of the C.V. Thomas Subdivision contingent upon:

1. Removal of the accessory building on the newly created lot, and
2. DEP approved Planning Module

Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented information on the Davis Subdivision. The referenced Subdivision Plan is located along South Eberhart Road in the R-1 (Single Family Residential) Zoned District. The plan proposes a lot line revision.

Zoning Officer Hines gave an overview of the plan. He explained the plan was previously approved by the Board of Commissioners, but the applicant could not get the mortgage to sign off within the 90-day time frame; therefore, he had to resubmit. The plan requires a modification for odd shaped lot.

Solicitor Black and Engineer Deiseroth had no additional comments.

Motion by Commis. Vero to grant a modification for odd shaped lot. Seconded by Commis. Zurzolo. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Motion by Commis. Vero to grant final approval of the Davis Subdivision. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented information on the KFC Land Development located at 218 New Castle Road.

Jamie from GPD Architecture and James Liguori with Ampex Brands were in attendance to represent the KFC Land Development and gave an overview of the plan.

The referenced Land Development Plan is located along New Castle Road in the C-2 (Convenience Commercial) Zoned District. The plan proposes the construction of a new KFC Restaurant, drive thru and associated site improvements.

Questions were taken from the Board.

Zoning Officer Hines noted that the development would need approval from the Butler Area Sewer Authority and a Cross Easement for the stormwater recorded prior to approval.

Engineer Deiseroth stated the outstanding comments that need to be addressed prior to approval, as noted in their letter dated October 31, 2018.

Solicitor Black noted that an executed developer's agreement and posting of financial security would need to be completed prior to approval.

Motion by Commis. Vero to pass Resolution No. 18-23, granting final approval of the KFC Land Development contingent upon:

1. Compliance with Gateway Engineers' letter dated October 31, 2018, C-25643,
2. Executed Developer's Agreement approved by the Township Solicitor,
3. Posting of Financial Security in the amount and form acceptable to the Township Solicitor,
4. Butler Area Sewer Authority Approval, and
5. Cross Easement for Stormwater with Property Owner.

Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the Baglier Land Development Extension request.

Motion by Commis. Vero to pass Resolution No. 18-24, extending the Baglier (Water Tower Land Development LLC) final approval until February 18, 2019. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Zoning Officer Hines presented the ordinance to adopt the 2015 International Fire Code. The Township currently uses the 2009 International Fire Code.

Fire Marshal Switala commented on some of the changes between the 2009 and 2015 codes.

Motion by Commis. Vero to Introduce an ordinance adopting the 2015 International Fire Code and authorize for advertisement with the intent to adopt at the December 17th, 2018 Board of Commissioners meeting. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Leo Stepanian, Jr., representing Butler Township Volunteer Fire District 3, Mercer Road Volunteer Fire Company and South Butler Volunteer Fire Department, presented the proposed resolution acknowledging Butler Township's approval of the merger of the three fire departments into one department, the Butler Township Volunteer Fire District.

Motion by Commis. Lokhaiser to pass Resolution No. 18-25, approving the merger of Butler Township Volunteer Fire District 3, Mercer Road Volunteer Fire Company and South Butler Volunteer Fire Department into one Butler Township Volunteer Fire District and also approving recognition of the Butler Township Volunteer Fire District Relief Association. Seconded by Commis. Zarnick. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Manager Knights presented the bid for the Janitorial Contract and recommended awarding the bid to The ARC of Butler.

Motion by Commis. Zarnick to award the Janitorial Service Contract to the ARC of Butler in the amount of \$21,183 annually beginning January 1, 2019 and ending December 31, 2020. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Manager Knights presented the proposed 2019 Budget Ordinance. It will be introduced at tonight's meeting and will be finalized on December 17th. The budget, as presented, does not require a tax increase for 2019.

Motion by Commis. Zarnick to authorize the advertisement of the 2019 Budget Ordinance for adoption on December 17, 2019. Seconded by Commis. Lokhaiser. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Knights presented the proposed 2019 Real Property Tax Ordinance. The proposed Tax Rate for Real Estate is 11.25 mills designated as follows: General Township Purposes - 7.18 mills; Fire Protection Services - 2.4 mills; Debt Services - 1.67 mills.

Motion by Commis. Zarnick to authorize the advertising of the 2019 Real Property Tax Ordinance, for adoption on December 17, 2019. Seconded by Commis. Wiest. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Manager Knights presented the proposed meeting dates for 2019 for the Board of Commissioners, Board of Commissioners Agenda Setting meetings, Budget Hearing and Planning Commission.

Motion by Commis. Vero to approve the meeting dates for the Board of Commissioners, agenda setting meetings, Budget Hearing, and Planning Commission. Seconded by Commis. Zarnick. The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: Yes. Motion carried.

Commis. Zurzolo presented the request to extend the burning of yard waste due to the amount of debris created from the recent storm. A discussion followed.

Motion by Commis. Wiest to extend the burning ordinance to include the month of December 2018 with all the current restrictions remaining the same. Seconded by Commis. Zurzolo.

Commis. Zarnick asked for public comment on this non agenda item.

John Slomer, 179 Bryson Road, commented on the need to continue to allow burning of yard waste in the township.

The vote was Vero: Yes; Lokhaiser: Yes; Wiest: Yes; Zurzolo: Yes; and Zarnick: No. Motion carried.

Manager Knights reviewed the bills report and the following totals were noted: General Fund - \$131,922.37; Capital Equipment Fund - \$18,119.04; Highway Aid Fund - \$82,065.84; Park Development Fund - \$300.00; General Fund (added after October Bills Report) - \$35,269.40; Capital Equipment Fund (added after the October Bills Report) - \$35,947.00; Highway Aid Fund (added after the October Bills Report) - \$54,633.90; Debt Services Fund (added after the October Bills Report) - \$29,042.00; Payroll Fund (prior month) - \$255,795.01.

Motion by Commis. Vero to pay the bills as per the bills report. Seconded by Commis. Zurzolo. The vote was Vero: Yes; Lokhaiser: Yes; Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

Commis. Zarnick asked the Manager to look into a possible schedule to do brush clean up, weather permitting.

Manager Knights presented correspondence dated November 13, 2018 from the PA Department of Transportation notifying the Township of their annual winter kick-off meeting scheduled for Tuesday, November 20, 2018 at 10:00 a.m. at the Cranberry Township Public Works Center. Manager Knights stated that he would attend this meeting.

Commis. Zarnick asked for public comment on any item of concern.

Karen Sheptak, Sts. Peter & Paul Ukrainian Orthodox Church, commented on the problem with runoff water entering their building at the corner of Arbor Street & Evergreen Road. She stated that she received a quote from Wiest Asphalt and Paving for the work to correct the issue on their property. She stated that this solution has been rejected by the church board and is requesting additional solutions from the Township Board. She stated that she believes the water issues are due to the change in the grade of Evergreen Road. A discussion followed. Solicitor Black stated that though the commissioners may have offered personal advice to deal with the problem, until the Township Engineer has been authorized to investigate the issue and completed his review, no official decision can be made.

Motion by Commis. Zarnick to authorize the Township Engineer to investigate the water issue at 21 Evergreen Road. He is to check his schedule and coordinate with the Township Manager on a time to visit the site and then notify Ms. Sheptak when a date and time has been set. Seconded by Commis. Zurzolo. The vote was Vero: Yes; Lokhaiser: Yes; Yes; Zurzolo: Yes and Zarnick: Yes. Motion carried.

John Slomer, 179 Bryson Road, was following up on the ditches that are along Bryson Road which diverts water onto his property. Engineer Deiseroth stated that the water issue is due to the runoff of water from the property upstream of Mr. Slomer's property and believes it to be a private issue between property owners, and not a Township issue. The only recourse that he sees that the Township could do would be to design a new storm sewer

54 system for the neighborhood. A discussion followed. Commis. Wiest stated that he will be out to investigate the issue.

Leroy Lombardozzi, 115 Limberg Street, was following up on the water issues on his property that he brought up at the November 5th meeting. A discussion followed. Commis. Wiest will visit his property to investigate the issue.

There were no questions from the media.

Motion was made by Commis. Zarnick to adjourn the meeting at 8:03 p.m. Seconded by Commis. Vero and carried unanimously.

Theresa Giesler